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In re Application of
Kenneth L. Lilly
Application No. 09/090,508
Filed: June 4, 1998
Attorney Docket No. 8CS-5705

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 17, 1999, which has been treated as a Petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Office action mailed April 13, 1999. A three month extension of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is October 14, 1999. A Notice of Abandonment was mailed on December 6, 1999.

Petitioner contends that the submission of a Continuation-In-Part application and three month extension in time was timely filed as indicated by the Certificate of Mailing under 37 CFR 1.8 executed on the aforementioned reply. The Certificate of Mailing indicates a mail date of October 13, 1999. Accordingly, the holding of abandonment is withdrawn.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 09/417,605.

Since the holding of abandonment is withdrawn, the \$1210.00 fee submitted for a petition to revive under 37 CFR 1.137(b) is unnecessary and has been refunded to deposit account no. 07-0862.

This file will be forwarded to file repository.

Telephone inquiries concerning this matter may be directed to the Petitions Attorney Edward Tannouse at (703) 306-9200.



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